

**REMARKS**

By this Amendment, claims 1-4, 6-11, 14-16, 18, 19, 22 and 25 are pending.

In the Office Action of October 1, 2003, the Examiner rejected claims 22 and 24 as being anticipated or obvious over Bakshani et al. and Simmons. Claim 22 has been amended and claim 24 has been canceled to obviate these rejections.

The Examiner rejected claims 1-24 as being obvious over Bakshani in view of Hourn et al. and Nunez et al. The Examiner stated Bakshani disclosed a gold recovery pretreatment in the presence of an alkaline material, but that Bakshani did not disclose atmospheric pressure or low temperatures in an open tank reactor. The Examiner stated that Hourn et al. disclosed these features to be conventional and therefore obvious to combine with the disclosure of Bakshani. Nunez was relied upon for the step of subjecting the leach material to a cyanide leaching step to recover metals. These rejections are respectfully traversed.

Claim 1 now states that the pretreatment prior to cyanide leaching includes the grinding of the material to a size less than 25 microns, leaching at atmospheric pressure and the leaching being initiated under alkaline conditions to form the leach material. After the leaching step, the leach material is subjected to a cyanide leaching step to recover the precious material.

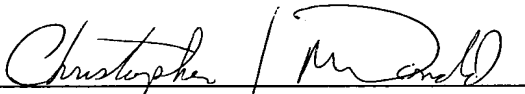
Bakshani discloses particle size of 150 microns and a leaching in a pressurized container with temperatures of 200° C. Under these extreme conditions of pressurization and high temperature, alkaline leaching is possible. The Examiner relies upon Hourn et al. for disclosing a smaller particle size and atmospheric conditions and low temperatures, but Hourn uses acid leaching. Thus modified, the only remaining feature left of the method taught by Bakshani is the alkaline conditions. There is no suggestion in Bakshani that alkaline leaching would be possible except under the disclosed high pressure and temperatures. Without super atmospheric pressures or high temperatures, the process, as described in Bakshani, would not work.

There is no reason one of ordinary skill in the art would conclude that replacing the high temperatures and coarse grinding of Bakshani would still result in a successful process when alkaline conditions were present. The alkaline leaching of Bakshani and the acid leaching disclosed by Hourn make these two disclosures polar opposites and one of ordinary skill in the art would not look to one disclosure for means to modify the other.

The claims are allowable and favorable action is eagerly and earnestly solicited.

A three month extension of time accompanies this response. If any additional fees are due and owing, the Commissioner is authorized to charge Deposit Account 08-2455.

Respectfully submitted,

by   
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